



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Ely District Office

HC33 Box 33500 (702 N. Industrial Way)

Ely, Nevada 89301-9408

[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

In Reply Refer To:  
3100 (NVL0000)

### **DECISION RECORD**

Bureau of Land Management	:	
Nevada State Office	:	Decision Record
1340 Financial Blvd.	:	DOI-BLM-NV-L000-2011-0003-EA
Reno, NV 89502	:	

I have reviewed the application, the Final Environmental Assessment (EA) (DOI-BLM-NV-L000-2011-0003-EA), and have issued a Finding of No Significant Impact (FONSI) for the proposed September 2011 Competitive Oil and Gas Lease Sale. It is my decision to approve the Proposed Action as described in the EA. The sale of oil and gas lease parcels would adhere to the following:

#### **Leasing Commitments**

- Once the parcels are sold, the lessee has the right to use as much of the leased lands as is reasonably necessary to explore and drill for oil and gas within the lease boundaries, subject to the stipulations attached to the lease must obtain BLM approval prior to conducting any new ground disturbances.
- Oil and gas leases are issued for a 10-year period and continue for as long thereafter as oil or gas is produced in paying quantities. If a lessee fails to produce oil and gas, does not make annual rental payments, does not comply with the terms and conditions of the lease, or relinquishes the lease; ownership of the minerals reverts back to the federal government and the lease can be resold.
- Prior to any surface disturbing activities, additional NEPA analysis is required.
- Drilling of wells on a lease is not permitted until the lease owner or operator secures approval of a drilling permit and a surface use plan specified under Onshore Oil and Gas Orders.
- All development activities proposed under the authority of these leases are subject to compliance with Section 106 of the NHPA and Executive Order 13007.

#### **Resource Conservation Measures**

- Direct avoidance of any eligible cultural resources

- Implementation of BLM's Best Management Practices
- Adherence to attached parcel stipulations
- Additional site-specific NEPA analysis for any ground disturbing activities

### **AUTHORITIES:**

- 1) The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan. Section 1.3 of the final EA documents the conformance with BLM Land Use Plan.
- 2) The Proposed Action is also consistent with all relevant federal, state, and local statutes, regulations, and plans as described in section 1.4 of the final EA.

### **RATIONALE FOR DECISION:**

In the FONSI for the proposed September 2011 Competitive Oil and Gas Lease sale, a determination was made that the Proposed Action will not significantly affect the quality of the human environment and that preparation of an Environmental Impact Statement is not required.

The final EA analyzed two alternatives; the Proposed Action, and the No Action Alternative. In addition to meeting the purpose and need for action, the Proposed Action was selected over the other alternative because it meets the purpose and need for action and results in the least amount of environmental impact.

### **PUBLIC INVOLVEMENT:**

The preliminary EA was published on April 15, 2011 and made available for public input until May 17, 2011. Comments were received from 3 government agencies, 0 businesses, 0 individuals, 0 organizations, and 1 tribe. For a detailed summary of the comments received and how BLM addressed these comments in preparing the final EA. The Final EA for the September 2011 Competitive Oil and Gas Lease sale is available on the BLM's web site at [www.nv.blm.gov/ely](http://www.nv.blm.gov/ely), or contact the Ely BLM District Office (775-289-1800).

### **APPEALS:**

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the address below within 30 days either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management  
Ely District Office

HC 33 Box 33500  
Ely, NV 89301.

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to each party named in this decision and to the U. S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region  
U.S. Department of the Interior  
2800 Cottage Way, Room E-2753  
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals  
Office of Hearings and Appeals  
4015 Wilson Boulevard  
Arlington, VA 22203

*This Decision will remain in effect during the appeal unless a petition for stay is granted.* If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

### **Standards for Obtaining a Stay**

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

### **Approved by:**

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Rosemary Thomas  
District Manager  
Ely District Office

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Date